

**THE MINUTES OF THE HOUSE STANDING COMMITTEE
ON
JUDICIARY**

Wednesday, February 22, 2006 10:30 a.m. Room 308 House Office Building

The House Standing Committee on Judiciary was called to order by **Representative William Van Regenmorter**, Chair.

MEMBERS PRESENT: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini, McConico, Bieda and Virgil Smith.

MEMBERS ABSENT/EXCUSED: None.

Representative Bieda moved to adopt the minutes of the **February 15, 2006** meeting. The motion was supported by **Representative David Law**. There being no objection, the motion prevailed by unanimous consent.

Chairman Van Regenmorter laid **SB 263** before the committee:

SB 263 Hammerstrom Crime victims; statements; hearsay rule; exempt certain statements of domestic violence victims.

Representative Condino moved to adopt the substitute **(H-1)** to **SB 263**. The motion was supported by **Representative Jones**.

The motion prevailed by a vote of **14-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini, Bieda and Virgil Smith,

Nays: None,

Pass: None.

Representative Rocca moved to report **SB 263** with recommendation, as substitute **(H-1)**. The motion was supported by **Representative David Law**.

The motion prevailed by a vote of **13-0-1**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini and Virgil Smith,

Nays: None,

Pass: Representative Bieda.

The following people submitted a card in support of the bill and did not wish to speak:

John Hallacy, representing the Calhoun County Prosecuting Association.

Stephanie Wuttke, representing the Michigan Coalition Against Domestic and Sexual Violence.

Chairman Van Regenmorter laid **HB 4259** before the committee:

HB 4259	Hune	Civil procedure; evidence; introduction of evidence of an expression of sympathy as an admission of liability in a civil action; prohibit.
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TESTIMONY

Representative Hune, sponsor of HB 4259, explained his bill to the committee.

The following people submitted a card in support of the bill and did not wish to speak:

Doug Burroso, representing the Michigan Osteopathic Association.

Peter Ruddell, representing the Michigan Dental Association.

Heather Scott, on behalf of the University of Michigan Health System.

Representative Elsenheimer moved to adopt the substitute (**H-1**) to **HB 4259**. The motion was supported by **Representative David Law**.

The motion prevailed by a vote of **12-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Condino, Adamini and Bieda,

Nays: None,

Pass: None.

Representative Bieda moved to report **HB 4259** with recommendation, as substitute (**H-1**). The motion was supported by **Representative Condino**.

The motion prevailed by a vote of **13-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini and Bieda,

Nays: None,

Pass: None.

Chairman Van Regenmorter laid **SB 883** before the committee:

SB 883 Hardiman Courts; judges; number of judgeships in the seventeenth judicial circuit; increase.

Representative Stakoe moved to report **SB 883** with recommendation. The motion was supported by **Representative Schuitmaker**.

The motion prevailed by a vote of **13-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini and Bieda,

Nays: None,

Pass: None.

Chairman Van Regenmorter laid **SB 925** before the committee:

SB 925 Sanborn Courts; circuit court; sixteenth judicial circuit; allow additional judgeship.

Representative Rocca moved to report **SB 925** with recommendation. The motion was supported by **Representative Bieda**.

The motion prevailed by a vote of **14-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini, Bieda and Virgil Smith,

Nays: None,

Pass: None.

Chairman Van Regenmorter laid **SB 946** before the committee:

SB 946 Bishop Courts; circuit court; additional judgeship in the sixth judicial circuit; provide for.

Representative David Law moved to report **SB 946** with recommendation. The motion was supported by **Representative Elsenheimer**.

The motion prevailed by a vote of **14-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini, Bieda and Virgil Smith,
Nays: None,
Pass: None.

Chairman Van Regenmorter laid **SB 955** before the committee:

SB 955 Stamas Courts; circuit court; additional circuit judgeship in the fifty-fifth judicial circuit; provide for.

Representative Jones moved to report **SB 955** with recommendation. The motion was supported by **Representative Elsenheimer**.

The motion prevailed by a vote of **14-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini, Bieda and Virgil Smith,
Nays: None,
Pass: None.

Chairman Van Regenmorter laid **SB 907** before the committee:

SB 907 Cropsey Courts; judges; number of judgeships in various circuits and districts; revise.

Representative Van Regenmorter offered the following amendment to **SB 907**:

1. Amend page 1, following line 8, by inserting:

"Enacting section 1. If, pursuant to this amendatory act, a new office of judge is added to the forty-ninth judicial circuit by election in 2006, the term of office of that judgeship for that election only shall be 8 years.".

Representative Nofs moved to adopt the amendment. The motion was supported by **Representative Newell**.

The motion prevailed by a vote of **14-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini, Bieda and Virgil Smith,
Nays: None,
Pass: None.

Representative Condino moved to report **SB 907** with recommendation, as amended. The motion was supported by **Representative Nofs**.

The motion prevailed by a vote of **14-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini, Bieda and Virgil Smith,

Nays: None,

Pass: None.

Chairman Van Regenmorter laid **SB 1024** before the committee:

SB 1024 Hardiman Crimes; other; damaging, destroying, or preventing access to telecommunication device to prevent report of domestic violence, report of crime, or report of illness or injury; prohibit and provide penalties.

TESTIMONY

Representative Schuitmaker, representing the 80th District, testified in support of the bill.

Representative Rocca offered and moved to adopt the following amendment:

1. Amend page 2, line 15, after “**TELEPHONE.**” by inserting “**THIS SUBSECTION DOES NOT APPLY TO AN INDIVIDUAL WHO OWNS THE ELECTRONIC MEDIUM OF COMMUNICATION UNLESS THE ELECTRONIC MEDIUM OF COMMUNICATION IS BEING USED BY AN INDIVIDUAL TO REPORT A CRIME, TO REPORT THE ILLNESS OF OR INJURY TO ANY PERSON, OR TO REPORT DOMESTIC VIOLENCE AS THAT TERM IS DEFINED IN SECTION 1 OF 1978 PA 389, MCL 400.1501**”.

The amendment was not supported.

Carol Hackett Garagiola, representing the Michigan Domestic Violence Prevention and Treatment Board, testified in support of the bill and against the Rocca amendment.

John Hallacy, representing the Calhoun Prosecuting Attorney Association, testified in support of the bill.

Representative Condino moved to report **SB 1024** with recommendation. The motion was supported by **Representative Jones**.

The motion prevailed by a vote of **15-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini, McConico, Bieda and Virgil Smith,

Nays: None,

Pass: None.

There being no further business to come before the committee, the Chair adjourned the meeting at 11:27 a.m.

Representative William Van Regenmorter, Chair
House Standing Committee on Judiciary

Malika Abdur-Rashid

Committee Clerk

517-373-7256

57 Minutes